

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
1:16cv92**

|   |   |              |
|---|---|--------------|
| <b>AMERI-CON MATERIALS, INC.,</b>                             | ) |              |
|   | ) |              |
|   | ) |              |
| <b>Plaintiff,</b>   | ) |              |
|   | ) |              |
| <b>v.</b>   | ) | <b>ORDER</b> |
|   | ) |              |
| <b>DAVID CARPENTER d/b/a SPARTAN<br/>PAVING AND CONCRETE,</b> | ) |              |
|   | ) |              |
|   | ) |              |
| <b>Defendant.</b>   | ) |              |
|   | ) |              |

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Pending before the Court is the Motion to Dismiss [# 6] and Consent Motion to Approve Consent Judgment Transferring Venue [# 9]. Plaintiff brought this action against Defendant asserting a claim of negligence. Defendant moved to dismiss the Complaint for improper venue, or in the alternative to transfer the case to the United States District Court for the District of South Carolina. Subsequently, the parties filed a consent motion requesting the entry of an order transferring this case to South Carolina. Having considered the record and the parties' Consent Motion, the Court **GRANTS** the motion [# 9]. The Court **TRANSFERS** this case to the Spartanburg Division of the United States District Court for the District of South Carolina. The Court **DENIES as moot** the Motion

to Dismiss [# 6].

Signed: June 14, 2016

Dennis L. Howell

Dennis L. Howell  
United States Magistrate Judge

